

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 1 - SB 1**

January 27, 2023

**SUMMARY OF BILL AS AMENDED (002913):** Prohibits a healthcare provider from knowingly performing, administering, or offering to perform or administer, a medical procedure for the purpose of enabling a minor to identify with, or live as, a purported identity inconsistent with the minor's biological sex, or treating purported discomfort or distress from a discordance between the minor's biological sex and asserted identity. Creates an exception for medical procedures used to treat a minor's congenital defect, precocious puberty, disease, or physical injury, or if the performance or administration of the medical procedure began prior to July 1, 2023 and concludes on or before March 31, 2024. Prohibits a person, other than a healthcare provider otherwise authorized pursuant to this legislation, from knowingly providing a hormone or puberty blocker to a minor.

Authorizes a civil cause of action against a healthcare provider or any other person alleged to have violated the proposed legislation. Authorizes the parent or next of kin of a minor to bring a wrongful death action against a healthcare provider, under certain conditions.

Requires the Attorney General and Reporter (AG) to establish a process for reporting violations. Authorizes the AG to bring an action against a healthcare provider or any person for a knowing violation. Authorizes a civil penalty of up to \$25,000 for each violation, to be paid into the General Fund.

Establishes that a violation of the proposed legislation by a healthcare provider constitutes a potential threat to public health, safety, and welfare and requires emergency action by an alleged violator's appropriate regulatory authority.

Includes in the definition of "abuse," as it pertains to juvenile courts and proceedings, a minor's suffering caused by a parent's, relative's, guardian's, or caretaker's consent on behalf of the minor to administer or perform a medical procedure prohibited by the proposed legislation.

**FISCAL IMPACT OF BILL AS AMENDED:**

**NOT SIGNIFICANT**

**HB 1 - SB 1**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 63-1-169, hormone treatment for gender dysphoric or gender incongruent minors in Tanner state 1 development is prohibited.
- The proposed legislation prohibits any medical procedure on a minor for the purpose of enabling the minor to identify with, or live as, a purported identity inconsistent with the minor's sex, or treating purported discomfort or distress from a discordance between the minor's sex and asserted identity.
- Any civil action brought against a medical professional, healthcare entity, or other individual or entity is assumed to be borne of a private party.
- This legislation will not significantly impact courts' caseloads.
- The AG can establish a process for reporting suspected violations and bring any actions against healthcare providers utilizing existing personnel and resources.
- There is not estimated to be a significant number of civil penalties assessed for performing prohibited procedures.
- The Department of Health, health-related boards, and the Department of Children's Services can accommodate the provisions of the proposed legislation within existing resources.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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